

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JOEL DAVIS, #2413505

VS.

OFFICER HELMS

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§  
§  
§  
§

CIVIL ACTION NO. 4:22cv590


**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 9, 2024, the report of the Magistrate Judge (the “Report”) (Dkt. #24) was entered containing proposed findings of fact and recommendations that Defendant Officer Helms’ Motion to Dismiss (Dkt. #21) be granted and Plaintiff’s claims against Defendant Officer Helms be dismissed with prejudice. The Magistrate Judge also recommended Plaintiff not be given leave to amend, and that this dismissal count as a strike pursuant to 28 U.S.C. § 1915(g).

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s Report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendant Officer Helms’ Motion to Dismiss (Dkt. #21) is **GRANTED**. Plaintiff’s claims against Defendant Officer Helms are **DISMISSED WITH PREJUDICE**; this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

**SIGNED this 16th day of February, 2024.**

  
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AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE